

DISTRICT COURT (FIFTH DISTRICT :
WASHINGTON COUNTY) [1682]

GUARDIANSHIP AND ADOPTIONS RECORD,
1902-1920.

1 microfilm reel

DESCRIPTION: This volume contains affidavits, agreements, and orders pertaining to cases of adoption and guardianship. The nature of these documents varies widely from the establishment of an adoptive parent or legal guardianship for minors or in cases of insanity to the sale of real estate owned by a minor and overseen by a legal guardian. Each entry provides the names of the minors or patients as well as the names of the guardian or adoptive parent(s) and the biological parents involved in the proceeding, the date of proceeding and endorsement/filing date, and the signature of clerk or judge overseeing the proceeding.

Guardianships were previously administered by county probate courts. A court can establish guardianships when a minor or an incompetent adult holds property requiring oversight and management. They are usually initiated under the terms of a will or upon the petition of a family member. A guardian is generally required to post bond, and is accountable to the court for the management of property entrusted to him.

Guardianship cases frequently follow the settlement of an estate in which a minor is inheriting property. A parallel procedure is followed for incompetent persons who had property requiring oversight. The court appoints a guardian, usually under terms of the will or upon petition of the minor or an older family member. The guardian is required to post bond prior to receiving official letters of guardianship. Periodic accountings may be made. Additional entries may appear during the time of guardianship if the guardian wishes to sell property or utilize particular funds held in trust. When the minor becomes of age, an accounting is made of the estate and property being inherited, and the guardian is released. On occasion, the guardianship is a limited one, created so that the guardian may sue for personal injury or liability damages on behalf of a minor.

Utah law provides for the adoption of minor children (Utah Code Annotated, 1953, Title 78, Chapter 30). According to law, the child, the adopting adult, and other persons whose consent is necessary must appear before the district court or provide written consent. When the court is satisfied that adoption is in the best interest of the child, it issues an adoption decree. Typically adoption records have been kept with probate records. Utah adoption records are sealed by law for 100 years.

Adoption records less than 100 years old are sealed and cannot be opened for inspection except upon a court order. All requests to open sealed adoption files to obtain identifying information of adoptee or birth parents are initiated by filing a formal petition with the clerk of the court in the county where the adoption was granted. Addresses can be obtained from the court directory. In cases where the petitioner is seeking specific medical information to aid in the preservation of the health of the petitioner, the petitioner must contact the Bureau of Vital Statistics and the adoption agency involved in the placement (if applicable) and make a request for all non-identifying information regarding the birth parents and other relatives. In cases where the petitioner is requesting the information for reasons other than to acquire specific medical data needed to aid in the preservation of the health of the petitioner, the petitioner must register with the Voluntary Adoption Registry established by the Bureau of Vital Statistics.

ARRANGEMENT: Entries are chronological by date of filing.

RELATED RECORDS: Series 3636 , PROBATE CASE FILES, contains the entire case file listed in this record book. Series 18215 , PROBATE RECORD BOOKS, contain guardianships before statehood, and guardianships and adoptions after 1920. Series 18217 , PROBATE REGISTERS OF ACTION, is a register for probate cases, (including adoptions) between 1902 and 1990.

ACCESS RESTRICTIONS: Probate proceedings are public records. However adoption records, which are referred to throughout the record book, require the permission of the Fifth District Court until 100 years have passed.

PROCESSING NOTE: This series was archivally processed by Jim Kichas and Michael McLane in November 2007 as part of a grant project designed to preserve the historic records of Utah's Fifth District Courts.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

CONTAINER LIST

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